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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,415	01/21/2004	Chia-Ping Lu	MR3303-3	1199
4586	7590	07/25/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			MAY, ROBERT J	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,415	<b>Applicant(s)</b> LU, CHIA-PING	
	<b>Examiner</b> Robert May	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 & 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on January 21, 2003. It is noted, however, that applicant has not filed a certified copy of the 092201053 application as required by 35 U.S.C. 119(b).

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Illuminating Exhibit Apparatus.

All references to the invention in the Specification and claims should be re-phrased accordingly.

The disclosure is objected to because of the following informalities: the term positive point and negative point as disclosed in the Symbols Description section are construed by the office to mean positive and negative terminals and should be re-phrased as such throughout the body of the specification and claims where necessary.

The office objects to the terminology used on page 3 of specification where the applicant recites a positive point and negative point, which is construed by the office to

be a positive terminal and negative terminal. The terms positive points and negative points should be rephrased to positive and negative terminals.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the phrase cathode and anode points unless instructed by the applicant otherwise is construed by the office to mean positive and negative terminals and should be re-phrased accordingly.

Claim 7 is objected to because of the following informalities: the term lamp bulb should be deleted. The office considers this to be redundant. Appropriate correction is required.

Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 recites at least one LED and Claim 9 recites the apparatus as having at least one LED. The office fails to see what the distinguishing differences are between Claims 1 and 9.

Claim 11 is objected to because of the following informalities: the office construes this claim to mean a device that can be made into a variety of shapes such as cylindrical and rectangular as disclosed in Figures 1 & 4. Therefore it is suggested to re-word Claim 11 accordingly.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electricity plug as Claimed in Claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-12, & 14 re rejected under 35 U.S.C. 102(b) as being anticipated by Tipton (US Pat. 5,575,553).

In regard to Claims 1 & 9-10, Tipton discloses in Figure 4 a transparent body or container (Col. 3, Lines 67), a battery container with a battery, and a plug or cap (22) for concealing the battery compartment (Col 4, Lines 30-34), a light emitting diode (LED), and positive and negative terminals located on a circuit board (41) for electrically attaching the battery (27) to the LED.

In regard to Claims 7-8, Tipton discloses a timer switch, which controls the illumination of the LED for a predetermined time period (Col. 6, Line 20-24).

In regard to Claim 11, Tipton discloses the shape of the illuminating container in variety of shapes such as a wine glass (Fig3), cylindrical (Fig 1), & cartoon characters (Fig. 5B).

In regard to Claim 12, Tipton discloses the outer surface of the illuminating vessel as having a variety of designs or indicia such as logos, advertising data or the like which can be engraved into the exterior surface (Col. 4, Lines 9-11).

In regard to Claim 14, Tipton discloses a charging socket that may penetrate the compartment 23 housing a rechargeable battery in order to recharge the battery.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tipton in view of Wang (US Pat. 6,039,453). Tipton discloses all of the claimed features in Claim 1 except for an exhibit which is chose from the group consisting of jewelry, gift, artifact, glassware, picture, and any kind of mineral or an exhibit sealed within the vessel and or suspended, partially or completely soaked in a liquid. However, Wang discloses in Figures 1-4 a lighted water globe that can contain rock and plant formations

(Col. 2, Lines 65-66) which is filled or partially filled with the liquid water which is sealed so as to prevent leakage from the water globe (Col. 2, Lines).


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carson (US Pat. 6,254,247) and Zelensky (US Pat. 5,178,450) each disclose an illuminating vessel with a battery and battery compartment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ALAN CARIASO**  
**PRIMARY EXAMINER**